

**ASSEMBLY BILL**

**No. 1005**

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**Introduced by Assembly Member Maze**

February 22, 2007

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An act relating to land acquisition by public entities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as introduced, Maze. Public entities: land acquisitions.

Existing law permits public entities to acquire land without invoking the power of eminent domain.

This bill would state the intent of the Legislature to enact legislation to require a public entity that has agreed to provide a letter of friendly condemnation pursuant to a land transaction in which the entity does not invoke eminent domain to provide the letter within a reasonable time. The bill would also make a statement of legislative findings.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares the
- 2 following:
- 3 (1) Public entities frequently acquire land in transactions that
- 4 do not invoke the adversarial proceedings of eminent domain.
- 5 (2) When a public entity acquires land without invoking eminent
- 6 domain for a price less than what the land is worth, the entity will
- 7 sometimes agree to provide what is referred to as a letter of friendly
- 8 condemnation, which the former landowner may use to obtain
- 9 favorable tax treatment.

1 (3) Public entities have agreed to provide letters of friendly  
2 condemnation and have failed to do so.

3 (b) It is the intent of the Legislature to enact legislation to require  
4 a public entity that has agreed to provide a letter of friendly  
5 condemnation pursuant to a land transaction in which the entity  
6 does not invoke eminent domain to provide the letter within a  
7 reasonable time.